

2016 Regular Session

HOUSE BILL NO. 1122

BY REPRESENTATIVE LANCE HARRIS

TRANSPORTATION DEPT: Provides relative to the disposition of land acquired by the
Department of Transportation and Development

1 AN ACT

2 To amend and reenact R.S. 48:221(A)(2), (3), (4)(introductory paragraph), and (5)(a)
3 relative to property acquired by the Department of Transportation and Development;
4 to provide relative to the method by which the Department of Transportation and
5 Development disposes of certain property; to ratify certain past transactions
6 completed by the Department of Transportation and Development; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 48:221(A)(2), (3), (4)(introductory paragraph), and (5)(a) are hereby
10 amended and reenacted to read as follows:

11 §221. Acquisition of balance of land in certain cases; disposition; exchange; excess
12 property

13 A.

14 * * *

15 (2) When the department has acquired property in excess of the width or area
16 required for departmental purposes or determines that certain property is no longer
17 needed for its purposes, such property may be sold to the highest bidder after
18 ~~advertisement for bids twice within a thirty-day period provided the final~~
19 ~~advertisement appears at least fifteen days prior to sale in the official journal of the~~
20 ~~parish in which the property is located. However, the secretary shall offer to sell~~

1 ~~such property at a private sale to the vendor or said vendor's successors in title who~~
2 ~~sold such property to the department upon payment of its present appraised market~~
3 ~~value. However, the secretary shall first offer to sell such property to the said~~
4 ~~vendor's successors in title, or to the owner of the land whose property or any portion~~
5 ~~thereof is separated from a highway by such excess area, upon payment of the~~
6 ~~present appraised market value.~~ as follows:

7 (a) First, the secretary shall offer to sell for the present appraised market
8 value of the property such property to the owner of the land whose property or any
9 portion thereof is separated from a highway by such excess area.

10 (b) In the event that the owner of the land whose property or any portion
11 thereof is separated from a highway by such excess area does not purchase such
12 property, the secretary shall next offer to sell such property for the present appraised
13 market value of such property at a private sale to the vendor or said vendor's
14 successors in title who sold such property to the department.

15 (c) In the event that the owner of the land whose property or any portion
16 thereof is separated from a highway by such excess area, the vendor, or the vendor's
17 successors in title do not purchase such property, the property may be sold to the
18 highest bidder after advertisement for bids twice within a thirty-day period provided
19 the final advertisement appears at least fifteen days prior to sale in the official
20 journal of the parish in which the property is located. The advertisement shall
21 accurately describe the location of the property, all the conditions of sale, and the
22 exact time and place where the bids will be presented, opened, and read. All bids
23 shall be publicly presented, publicly opened, and publicly read on the same day
24 presented.

25 ~~(3) The advertisement shall accurately describe the location of the property,~~
26 ~~all the conditions of sale, and the exact time and place where the bids will be~~
27 ~~presented, opened, and read. All bids shall be publicly presented, publicly opened,~~
28 ~~and publicly read on the same day presented.~~

(4) If excess immovable property authorized to be sold pursuant to this Section is not purchased at public or private sale as provided herein, or if the cost of advertisement is greater than the fair market value of the property so that the property lacks a positive net value to the department, the secretary may, within his discretion, do either of the following:

6 * * *

(5)(a) (4)(a) When houses, buildings, or other structures are acquired by the department for which the estimated value of sale for salvage and removal is more than thirty thousand dollars or the estimated cost of demolition is more than thirty thousand dollars, the proposed sale or demolition shall be advertised for bids once, at least fifteen days prior to the receipt of bids, in the official journal of the parish in which the property is located.

13 * * *

Section 2. All transactions completed by the Department of Transportation and Development between August 15, 2008, and the effective date of this Act which were not completed in accordance with Act No. 298 of the 2008 Regular Legislative Session are hereby ratified. This Section shall only apply to properties the Department of Transportation and Development amicably acquired and shall not apply to any properties which the Department of Transportation and Development expropriated.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1122 Original

2016 Regular Session

Lance Harris

Abstract: Provides relative to the sale of certain properties by the Dept. of Transportation and Development (DOTD).

Present law provides that when DOTD determines it has acquired excess property or has property that it no longer needs, the property may be sold to the highest bidder under a specified process. Provides that the secretary of DOTD may offer to sell the property at the appraised value to the vendor who sold the property to the department or to the landowner whose property is separated from a highway by the excess property.

Proposed law requires that such excess property first be offered to the owner of the land separated from a highway by the excess property. Requires that if the landowner separated

from the highway by the excess property does not purchase the property, requires that the department next offer it to the vendor from which the property was originally bought. Provides if the original vendor does not purchase the property, the property may be sold to the highest bidder. Provides for a process of advertisement and requires that all bids be publicly presented, opened, and read on the same day.

Proposed law ratifies all amicably acquired transactions completed by DOTD between Aug. 15, 2008 and the effective date of this Act that were not conducted in accordance with present law. Specifies that proposed law ratification does not apply to property expropriated.

(Amends R.S. 48:221(A)(2), (3), (4)(intro. para.), and (5)(a))